

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**WILLIE ODEN,**

**Plaintiff,**

**vs.**

**Case No.: 2:16-cv-955  
JUDGE GEORGE C. SMITH  
Magistrate Judge Deavers**

**OHIO ADULT PAROLE  
AUTHORITY, *et al.*,**

**Defendants.**

**ORDER**

On October 11, 2016, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* be granted; and that Plaintiffs' Complaint be dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2). (*See Order and Report and Recommendation*, Doc. 2). The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Order and Report and Recommendation*. (*See* Doc. 4). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the same issues presented to and considered by the Magistrate Judge in the *Order and Report and Recommendation*. Specifically, Plaintiff objects to the "Parole Board's use of crime severity level, nature of offense, all of which was taken into consideration at the time of Oden's conviction and sentence." And he argues that the "OAPA will always find 'cause for denial of Parole.'" (Doc. 4, Pl.'s Objections at 3-4). However, the

Magistrate Judge addressed each of Plaintiff's arguments, including this one, in the *Order and Report and Recommendation*. Plaintiff has failed to establish that the Ohio Adult Parole Authority has treated him differently than other similarly-situated inmates, further, he cannot prove a liberty interest in parole to maintain a due process claim, and the Court agrees with the Magistrate Judge's conclusion that Plaintiff's double counting claim is a state law claim. Therefore, for the reasons stated in detail in the *Order and Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Order and Report and Recommendation*, Document 2, is **ADOPTED** and **AFFIRMED**. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* is **GRANTED** and Plaintiff's Complaint is hereby **DISMISSED**.

The Clerk shall remove Documents 2 and 4 from the Court's pending motions list. The Clerk shall terminate this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**